

Ohio Part C FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Compliance Agreement Reporting: The timely service provision, 45-day timeline, IFSP transition steps and services, timely transition conference, and timely correction requirements of Indicators 1, 7, 8A, 8C, and 9 are the subject of the Department's three-year November 8, 2006 Compliance Agreement (Compliance Agreement) with the Ohio Department of Health (ODH). The Compliance Agreement requires ODH to ensure compliance with the requirements under Indicators 1, 7, 8A, 8C, and 9, by November 2009. OSEP's November 4, 2008 letter responds to ODH's progress reports under the Compliance Agreement submitted through October 2008. Under the Compliance Agreement, ODH submitted a progress report most recently on December 24, 2008. OSEP will respond separately to this progress report and also to State's final progress report under the Compliance Agreement due December 31, 2009. However, relevant FFY 2007 data from the progress reports are referenced under the appropriate relevant indicators in this FFY 2007 APR response chart and affect the Department's 2009 Determination for Ohio's Part C program.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State revised its improvement activities for this indicator to include those activities the State is required to implement under the Compliance Agreement. OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 97%. These data represent progress from the FFY 2006 data of 73.27%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>As noted above, the timely service requirements of this indicator are the subject of the 2006 Compliance Agreement. The State reported that 58 of 63 findings of noncompliance identified in November 2007 were corrected in a timely manner. For the five uncorrected findings of noncompliance, the State reported that the five remaining counties with findings were required to revise their Corrective Action Plans (CAPs) and submit a monthly CAP log data to ODH.</p>	<p>The State reported that noncompliance identified in November 2007 with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) was partially corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the State's final progress report and with the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) and that the five FFY 2007 findings were corrected, including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each county with remaining noncompliance: (1) is correctly implementing the specific regulatory requirements; and (2) has initiated services for each child, although late, unless the child is no longer within the jurisdiction of the county, consistent with OSEP's Memorandum, 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p>

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2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State’s FFY 2007 reported data for this indicator are 88%. These data represent progress from the FFY 2006 data of 86%. The State met its FFY 2007 target of 79%.	OSEP appreciates the State’s efforts to improve performance.																												
3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/ communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	<div>The State’s FFY 2007 reported progress data for this indicator are:</div> <table><tr><th>07-08 Infant and Toddler Outcome Progress Data</th><th>Social Emotional</th><th>Knowledge & Skills</th><th>Appropriate Behavior</th></tr><tr><td>a. % of infants & toddlers who did not improve functioning.</td><td>3</td><td>3</td><td>3</td></tr><tr><td>b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td><td>20</td><td>26</td><td>26</td></tr><tr><td>c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.</td><td>12</td><td>16</td><td>11</td></tr><tr><td>d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.</td><td>20</td><td>24</td><td>27</td></tr><tr><td>e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.</td><td>44</td><td>31</td><td>34</td></tr><tr><td>Total (approx. 100%)</td><td>99.00%</td><td>100.00%</td><td>101.00%</td></tr></table>	07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of infants & toddlers who did not improve functioning.	3	3	3	b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	20	26	26	c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.	12	16	11	d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.	20	24	27	e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.	44	31	34	Total (approx. 100%)	99.00%	100.00%	101.00%	The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.
07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior																											
a. % of infants & toddlers who did not improve functioning.	3	3	3																											
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<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State’s reported data for this indicator are:</p> <table><tr><td></td><td>FFY 2006 Data</td><td>FFY 2007 Data</td><td>FFY 2007 Target</td><td>Progress</td></tr><tr><td>A. Know their rights. (%)</td><td>95</td><td>96</td><td>92</td><td>1.00%</td></tr><tr><td>B. Effectively communicate their children’s needs. (%)</td><td>95</td><td>96</td><td>92</td><td>1.00%</td></tr><tr><td>C. Help their children develop and learn. (%)</td><td>93</td><td>95</td><td>92</td><td>2.00%</td></tr></table> <p>These data represent progress for 4A, 4B, and 4C from the FFY 2006 data.</p> <p>The State met all of its FFY 2007 targets for this indicator.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. Know their rights. (%)	95	96	92	1.00%	B. Effectively communicate their children’s needs. (%)	95	96	92	1.00%	C. Help their children develop and learn. (%)	93	95	92	2.00%	<p>OSEP appreciates the State’s efforts to improve performance.</p>
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. Know their rights. (%)	95	96	92	1.00%																		
B. Effectively communicate their children’s needs. (%)	95	96	92	1.00%																		
C. Help their children develop and learn. (%)	93	95	92	2.00%																		
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and B. National data.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 1.7%. These data represent progress from the FFY 2006 data of 1.43%.</p> <p>The State met its FFY 2007 target of 1.2%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>																				
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and B. National data.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 3.0%. These data represent progress from the FFY 2006 data of 2.64%.</p> <p>The State met its FFY 2007 target of 2.6%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>																				
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an</p>	<p>The State revised its improvement activities for this indicator to include those activities the State is required to implement under the Compliance Agreement. OSEP accepts those revisions.</p>	<p>The State reported that noncompliance identified in November 2007 with the 45-day timeline requirements in 34 CFR</p>																				

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<p>initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 94%. These data represent progress from the FFY 2006 data of 74 %.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>As noted above, the 45-day timeline requirements of this indicator are the subject of the 2006 Compliance Agreement. The State reported that 60 of 65 findings of noncompliance identified in November 2007 were corrected in a timely manner. For these five uncorrected FFY 2007 findings, the State reported that these five counties with findings were required to revise their CAPs and submit a monthly CAP log data to ODH.</p>	<p>§§303.321(e)(2), 303.322(e)(1), and 303.342(a) was partially corrected.</p> <p>The State must demonstrate in its final progress report and with its FFY 2008 APR, due February 1, 2010, that the findings for the remaining five counties that the State identified as being in noncompliance in November 2007 were corrected, and that the State is compliance with 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a)(1).</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each county with remaining noncompliance: (1) is correctly implementing the specific regulatory requirements; and (2) has conducted the initial evaluation, assessment and IFSP meeting, although late, unless the child is no longer within the jurisdiction of the county, consistent with OSEP Memo 09-02.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State revised its improvement activities for this indicator to include those activities the State is required to implement under the Compliance Agreement. OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 99%. These data represent progress from the FFY 2006 data of 94%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>As noted above, the IFSP transition content requirements of this indicator are the subject of the 2006 Compliance Agreement. The State reported in its June 23, 2008 progress report a list of four counties found to be in noncompliance with the IFSP transition content requirements of this indicator. ODH issued findings and required CAPs for all counties found noncompliant with the IFSP transition content requirements under this indicator; the one-year timeline for</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each county with noncompliance reported by the State</p>

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	these four findings has not yet lapsed as of the February 2, 2009 FFY 2007 APR submission.	under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has developed an IFSP with transition steps and services, unless the child is no longer within the jurisdiction of the county, consistent with OSEP Memo 09-02.
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State revised its improvement activities for this indicator. OSEP accepts these revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 90%. These data represent slippage from the FFY 2006 data of 97%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no FFY 2006 findings of noncompliance related to this indicator. However, the State reported that slippage under this indicator was primarily due to one county not maintaining documentation.</p>	<p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §303.148(b)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each county with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement(s); and (2) has provided notification to the LEA, unless the child is no longer within the jurisdiction of the county, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance. The State reported that it has adopted an opt-out policy under OSEP's 2004 <i>Letter to Elder</i> and submitted the policy to OSEP as an amendment to its FFY 2007 Grant application on April 1, 2009. OSEP's memorandum analyzing the State's policy will be sent in a separate document.</p>

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<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State submitted in its FFY 2007 APR its FFY 2007 baseline data for this indicator and revised its improvement activities to include those activities that are required under the Compliance Agreement. OSEP accepts the FFY 2007 baseline data and revised improvement activities.</p> <p>The State's FFY 2007 reported baseline data for this indicator are 89%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>As noted above, the timely transition conference requirements of this indicator are the subject of the 2006 Compliance Agreement. The State reported correction for the one county identified as being in noncompliance in November 2007 with the timely transition conference requirements.</p>	<p>The State must include on its website its revised SPP to reflect its FFY 2007 baseline data and revised improvement activities, which now include the State's activities required under its Compliance Agreement.</p> <p>In response to OSEP's June 6, 2008 FFY 2008 APR response table and as required under the Compliance Agreement, the State reported in its December 24, 2008 progress report, correction data for the one county that the State identified as being in noncompliance in November 2007 with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)).</p> <p>The State must submit data required in its progress reports under the Compliance Agreement, and with the FFY 2008 APR, due February 1, 2010, data demonstrating compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)), including correction of the noncompliance reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each county with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has conducted a transition conference for each child potentially eligible under Part B, although late, unless the child is no longer within the jurisdiction of the county,</p>

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		consistent with the State's Compliance Agreement and OSEP Memo 09-02.
<p>9. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised its improvement activities to expressly include those activities that are required under the Compliance Agreement. OSEP accepts these revisions.</p> <p>OSEP calculated the State's FFY 2007 data as 93%, based on the timely correction of 124 of 133 findings of noncompliance identified in November 2007 related to Indicator 1 (the timely provision of services) and Indicator 7 (45-day timeline). For the uncorrected ten findings of noncompliance, the State reported that the ten counties with these ten findings were required to revise their CAPs and submit monthly CAP log data to ODH. ODH further reported if noncompliance is not corrected by these counties by May 2009, ODH will issue "special conditions" to the county's SFY 2010 (beginning July 1, 2009) allocation and direct the use of the funds to address the remaining areas of noncompliance. As noted above, the timely correction requirements of this indicator are the subject of the 2006 Compliance Agreement. OSEP will respond to other timely correction data from the State's December 24, 2008 progress report in a separate letter.</p>	<p>The State must include on its website its revised SPP to reflect its FFY 2007 baseline data and revised improvement activities, which now include the State's activities required under its Compliance Agreement.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501(b) and OSEP's 09-02 Memo.</p> <p>The State must submit the data and information required in its progress reports under the Compliance Agreement, and with the FFY 2008 APR, due February 1, 2010, updated correction data for all counties that the State identified as being in noncompliance in November 2008 as well as the status of correction for any other findings made through November 6, 2009.</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each county with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with</p>

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		<p>OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 1, 7, and 8 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 9 in the FFY 2008 APR, the State must use the Indicator 9 Worksheet.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts these revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 20%. These data are based on five complaints. These data represent slippage from the FFY 2006 data of 100%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §§303.510 through 303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>The State reported that it did not receive any due process hearing requests during the FFY 2007 reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p>	<p>Not applicable.</p>	<p>This indicator does not apply to the State because the State has not adopted the Part B due process procedures to resolve Part C due process hearing requests.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p>	<p>The State reported that two of two mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediations held in FFY 2007. The State is</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>

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[Results Indicator]	not required to provide targets or improvement activities until any FFY in which ten or more mediations were held.	
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 100%. These data unchanged from the FFY 2006 data of 100%.</p> <p>The State met its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540.</p> <p>In reporting on Indicator 14 in the FFY 2008 APR, the State must use the Indicator 14 Data Rubric.</p>